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Behind the Curtain of a Theatre State. Comparing Hyderabad and Pahang 1857-1888

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Abstract

The attempt to govern vast colonial lands with limited European manpower brought about the system of indirect rule, which was institutionalized through the Residency system. The local colonial agent usually took over the parts of native government vital to the upkeep of the revenue flow to the colonial power, such as foreign affairs to prevent war; at the same time the native sovereign officially stayed in power. This paper compares the extent of intervention of the British in the native administrations of the princely state Hyderabad and the Protected Malay State Pahang between 1857 and 1888. It reveals that while the British occasionally interfered in the domestic government of the state in Hyderabad, in Pahang they not only permanently interfered in the domestic government, but also changed its underlying structure. This discrepancy in indirect rule was caused by the opportunity to completely take over Pahang's government due to its instability and simplicity, accompanied by a sense of entitlement rooted in their stronger racial bias towards the Malayans as compared to the Indians.

Introduction

The period from the 15th to the 20th century – the era of colonialism – was characterized by the domination of a few people, mostly from Europe, over lager numbers of people all over the world. This phenomenon is evident in the British Empire, where a group of comparatively small islands (Great Britain) had established rule over vast dependent lands, mostly in Asia, by the middle of the 19th century. Because an empire with such a small center can hardly control such a large periphery, it was necessary to minimize the personnel and resources needed to gov-

ern the dependencies. This was achieved by keeping the native administration of a controlled state intact and establishing a "co-operative relationship between elements of the local ruling or élite classes and the colonial power" (indirect rule) (Nicholas 1992: 95).

To employ this strategy, a concept was developed – the Residency system – where a so-called Resident, a colonial agent, would be posted to a subordinate state's capital and take over parts of its government, while "the old system, as well as its ruling class, retained its legitimacy" (ibid.). Implemented first in India, colonial decision-makers on the other side of the Bay of Bengal drew from the South Asian example (Fisher 1984: 422f.).

How this practice in a Malayan native state differed from that in an Indian native state (a princely state) and to what extent the colonial power managed to intervene in the respective native government will be analyzed on the basis of two cases between 1857 and 1888. While some states were able to retain their sovereignty in parts, others lost it completely. The common stance among historians of the Southeast Asian region is that the Malayan native states were allowed much less sovereignty than the Indian ones. However, it is hard to tell if the British Empire's more extensive interference in the former's state affairs is connected to their lower view of the Malayan states. While they had conceded India the space for a national movement that strived for the subcontinent's independence as early as in the beginning of the 20th century, this was not the case in the Malayan colonies as evidenced by the commotion caused by Emerson's *Malaysia* when it was first published in 1937. By using this title, he asserted that the Malayan states were culturally equally well-developed.

The Residency system

The aim of the Residency system is to govern a state with the least possible resources. The British colonial power – first the British East India Company and after 1858, through the mandate of the Government of India Act, the British Crown – did not have the personnel to administer their vast dependencies directly by staffing all the higher positions needed to govern a state. In 1939, for instance, 760 British members of the Indian Civil Service ruled over 378 million Indians (Low 1973: 8). Therefore, another way of ruling a state that required fewer resources

had to be found. A Resident was sent to the court of a kingdom to exert influence on the local ruler. Sometimes this was set out in writing in the form of treaties between the British and the local rulers (native princes), though often domains, over which the Resident could dispose, were secured without prior legal negotiations.

The Resident's official role in the state he was deployed to was to give advice to the ruler, at whose court he served. Without regard to how much power the Resident actually had over the native ruler, the Raja's or Sultan's official status as the chief of the state was never touched (Gullick 1992: 11). Much effort would be spent on perpetuating the semblance of the native prince still in power. This was mainly done to minimize resistance from the local elite against the foreign interference. The cases, where it became too obvious that the Colonial Agent was in charge of state affairs, showed unrest among the local court or local elites, respectively. This unrest could express itself in intrigues against the Resident or ruler, or in outright protest. In order to avoid any loss of status on the part of the local ruler, numerous ceremonies were staged, who's highly symbolic meanings were supposed to compensate him for his loss of political power. In India, for instance, so-called durbars consisted of giving and taking goods.

The influence that the Resident exerted could differ widely, ranging from that over a single domain of government to the whole government apparatus. Low has systemized the relationship between the colonial power and the local native state – that is the indirectly ruled state – on the basis of the degree of sovereignty the latter had left: "Equal partner in treaties – subsidiary – annexed state" (Low 1973: 14). The degree of sovereignty a state had under indirect rule could range from one extreme of this scale to the other. Although states under the Residency system were never seen as officially annexed and part of the East India Company's or the Crown's colonies, some cases lacked only the title of a colony, since the Resident had incorporated governmental power wholly. However, in most cases the British only seized control over foreign affairs of a native state and claimed to interfere in its internal affairs only when it believed to see maladministration or great injustice.

Thus, when analyzing cases of British indirect rule, one discovers a certain pattern according to which governmental duties were usually taken over and in which order. The first step was always to take over the state's foreign affairs. This was crucial to avoid what was most dangerous to the colonizer's revenues – war. This measure is common to

all cases of indirect rule. Apart from this, Residents tried to intervene in the internal affairs of a state's administration. This was usually done by appointing loyal native civil servants to cabinet positions or objecting to unwanted candidates until the ruler dismissed them. The most powerful cabinet position was that of the chief-minister. If the British, however, did not succeed in influencing the decision of who was to fill that position, the Resident empowered another office with governmental rights and duties and channeled his business through that office. Regardless how high a government position, the Resident tried to influence the succession, at times going as high as to the throne of the ruler.

The realm of the Residency with all its estates and staff, even though situated in the respective state's capital, was not under the state's laws and orders. In fact, the Resident often built up his own jurisdiction independent of that of the ruler.[1] The points, at which the Residency and the court intersected, were nonetheless numerous. In order to stay in control of the native government, one of the Resident's main tasks was to collect intelligence, so that from a position of superior knowledge about the state, its structures and its actors, he would prevail over intrigues played against him by court notables that often tried to render the Resident powerless. The exclusive control over communication was the crucial condition to stay in control over the much larger native elite. An important foundation for that was a network of native rulers, court notables and other people of importance maintained by pensions from the Resident. The Residency system in India was the blueprint for how to rule a state indirectly. Even though the core concept of posting a Resident to the capital of a state stayed the same wherever practiced, the actual exercise of it varied greatly, as will be shown below.

The Residency system in the Malay states

Indirect rule or 'The Residential System' was introduced to Malaya between 1874 and 1895 (Sadka 1970: xiv), a fair one hundred years after the first Indian State had seen Residential influence. At this time, the British had so-called Straits Settlements – crown colonies – along parts of the coast of the Strait of Malacca, which was then and is today the most important marine route in Southeast Asia. These colonies included the island Penang and vis-à-vis, on the mainland, Province Wellesley, both located in the north of the peninsula; the island Singapore at the

outmost south of the peninsula; and Malacca, in between the three. In the 1840's tin-mining started to boom in the Malayan States and therefore awakened interest within the British administration of the region (ibid.). Since then the British had contemplated about how to secure their influence over the states of the Malayan Peninsula. Around 1871 the idea arose to create a system of indirect rule similar to the one that had been successfully established in large parts of India (Gullick 1992: 11). The debaters in the Singapore Government adopted the idea of posting colonial officers as agents to exert governmental influence over native states. The terms they used were taken from the British Residency system in India (e.g. Resident, political agent) and they hoped to draw from the experience gained there. This marks a transfer of knowledge within the colonies of the British Empire – a colonial transfer. Eventually the Crown intervened in the Malay states and imposed indirect colonial rule over them, starting with Perak in 1874, then Selangor and Negri Sembilan, and in 1888 Pahang.

Following the appointment of a Resident to a Malay state the Sultan usually lost all of his governmental power. To compensate for this, he was granted increased wealth and especially an increase in the display of his status by extensive ceremonies and other formal honors. A transformation took place from political power to symbolical power that was not less valuable in the regional context. Ceremonies such as cremations of corpses, and in Bali even living persons, not only embodied an entertaining play to satisfy the masses and keep them content, but buttressed a ruler's status (Geertz 1980:100f.). Ceremonies that were open to the public had philosophical meanings that depicted the world as it works at large and small (ibid.: 104). Also they reflected the social organization of a community (ibid.: 117). Many ceremonies also functioned to create a connection between the socially superior and inferior. By exchanging symbolic goods or engaging in a certain act or behavior the inferior became part of its superior and hence both were bound to each other and established or perpetuated their status, respectively (ibid.: 106). This worked between human beings as well as between humans and gods. Thus the worldly ruler, be he or she Hindu, Muslim or otherwise, was connected to his or her superior religious deity. The understanding was that the ruler was given its authority by the divine. (ibid.: 105). In a modern European understanding of power this is a decline in potency. In the colonial Southeast Asian understanding of power, however, the focus was very much on formal displays of a ruler's

status, on symbolic power. While the discrepancy between political power and symbolical power was deepened, applying this colonial Southeast Asian model of how power is perceived, one may still question, if in this understanding the local ruler actually did not lose any power.

The succession of rulers in Malay states became of much interest to the British. From 1874 onwards they took great influence on who would become Sultan (Sadka 1970: 156). Their choice was not unlimited and outwardly free, but they could choose from a few royal family members who were entitled to succeed. This way the British could choose a person who was most favorable to them or object to the least favorable one, while respecting the local customs of succession. Thus it could happen that instead of the son of a deceased Sultan, the deceased's nephew would become the new ruler. For instance, it was customary in Perak to rotate the succession of a ruler within the three branches of the royal family. However, if the successor next in line was unfitting in the eyes of the British, his branch of the royal family was skipped and another branch's member became ruler, as it happened with Raja Yusuf, who was passed over three times, in 1857, 1865 and 1871 (ibid.). Eventually, through political intrigue, he had managed to be granted the title Raja Muda — the title of the first heir — by a former Sultan. Bearing this title the British could only ignore his right to succession repeatedly at great cost, because ignoring the local customs inevitably created discontent among the local elite.

Pahang

In April 1887 the British started to intervene in Pahang's internal affairs heavily. Hugh Clifford was sent to Pahang by the governor to negotiate a treaty between Pahang and the British. As stated in the concluded treaty, a council was created to advise the Sultan on matters of state (Lineham 1936: 112). This put the local Resident in the usual position to 'advise' the ruler, in this case not only on affairs of foreign relations, but on crucial internal affairs of government. These included extensive measures such as the reorganization of the sub-state level provinces which were traditionally ruled by local chiefs.

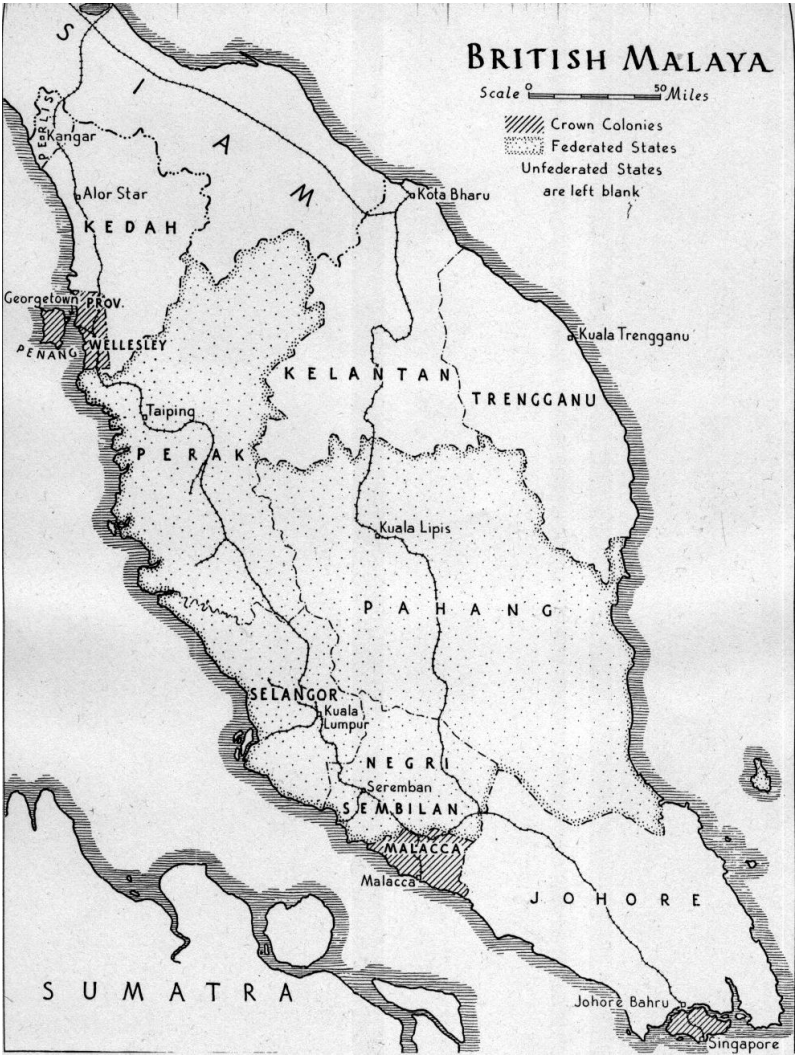
The British changed the lines of borders, which uprooted the traditional ruling organization on sub-state level, meant a strong interference in state affairs and put the ruler's revenues at risk. As a consequence the ruler of Pahang, Raja Ahmad Yang-dipertuan, took on debt and was forced to sell concessions at unrealistically low rates to Singaporean business men to exploit the large lands. These business men made fortunes from selling the extracted minerals and were often backed by European and Chinese companies. The fact that so much of the land was given away so cheaply, created large discontent among the local chiefs. Soon they were subject to radical change again and the warrants under which they had held their land were recalled. This changed the territorial chiefs' status drastically. Also the chiefs' traditional jurisdiction was abandoned and replaced by an Islamic penal code modified by the Kanun, the Pahang laws.

To illustrate the degree to which the British interfered in the government of Pahang, the treaty that installed British rule on Pahang is analyzed below. It was concluded October 8th 1887 between the governor of the Straits Settlements Sir Frederick Aloysius Weld and the ruler of Pahang, Raja Ahmad Yang-dipertuan.[2]

Article I

> The two Governments will at all times cordially co-operate in the settlement of a peaceful population in their respective neighbouring territories, and in the joint defence of those territories from external hostile attack and in the mutual surrender of persons accused or convicted of any crime or offence under such conditions as may be arranged between the two Governments.

This was to avoid the crossing of greater colonial interests in the region by the native state and to avoid war, which was the greatest threat to the colonizer's commercial success and would have put the desired revenues at risk.



The map, taken from Sadka (1970), shows the Malay Peninsula around 1888. The dotted states (Pahang, Perak, Selangor and Negri Sembilan) are the Protected Malay States under indirect rule of the British. The states north of the Protected Malay States (Trengganu, Kelantan, Kedah and Perlis) are states under the dominion of Siam. The striped territories are British Crown Colonies (Penang, Province Wellesley, Malacca and Singapore) originally acquired for strategic reasons, namely to secure the Strait of Malacca for marine trade traffic.

Article II

His Highness the Raja of Pahang undertakes if requested by the Government of the Straits Settlements to co-operate in making arrangements for facilitating trade and transit communication overland through the State of Pahang with the State of Johor and other neighbouring States.

More trade creates more welfare for the parties involved and in the long term more welfare for the colonial power.

Article III

If the Government of the Straits Settlements shall at any time desire to appoint a British Officer as Agent to live within the State of Pahang having functions similar to those of a Consular Officer, His Highness the Raja will be prepared to provide free of cost a suitable site within his territory whereon a residence may be erected for occupation by such Officer.

This article granted the Resident to-be a representative estate.

Article IV

Any coinage in the currency of the Straits Settlements which may be required for the use of the Government of Pahang shall be supplied to it by the Government of the Straits Settlements at rates not higher than those at which similar coinage is supplied to Governments of the Malay Protected States and under the same limitations as to amount.

His Highness the Raja on his part undertakes that the applications of his Government for subsidiary coinage shall be strictly limited by the legitimate requirements of the inhabitants of the State of Pahang and that the coinage so issued shall be subject to the same limitations as regards legal tender as are in force in the Straits Settlements.

This article mainly restricted the local currency to "the legitimate requirements of the inhabitants." This way it secured that the currency of the Straits Settlements was dominant on the Malay Peninsula and avoided any dependence of the colonial power's commercial success on exchange rate fluctuations. Also the amount of local and regional

coinage was controlled by the government of the Straits Settlements so that a native government could not influence the colonial commercial success by intended or unintended financial maladministration, for instance, by issuing too much coinage and causing inflation, which would have affected the colonial business negatively.

Article V

> The Governor of the Straits Settlements will at all times to the utmost of his power take whatever steps may be necessary to protect the Government and the territory of Pahang from any external hostile attacks, and for these or for similar purposes Her Majesty's Officers shall at all times have free access to the waters of the State of Pahang; and it is agreed that those waters extend to three miles from the shore of the State.

The British guaranteed the state of Pahang protection from outside enemies, which was a vehicle to freely deploy military to this state and could be used to build up pressure in the event of conflict between the native and the colonial government. Also the sea territory of Pahang was limited to only 3 miles from its shore so that any foreign naval traffic could sail outside this territory in safe coastal waters without charge.

Article VI

> The Raja of Pahang undertakes on his part that he will not without the knowledge and consent of Her Majesty's Government negotiate any treaty or enter into any engagement with any foreign State, or interfere in the politics or administration of any native State, or make any grant or concession to other than British subjects or British companies or persons of the Chinese, Malay or other Oriental Race, or enter into any political correspondence with any foreign state.
>
> It is further agreed that if occasion should arise for political correspondence between His Highness the Raja and any foreign State, such correspondence shall be conducted through Her Majesty's Government, to whom His Highness makes over the guidance and control of his foreign relations.

The native state completely surrendered the control over its foreign relations to the colonial government. This followed the British dogma of divide and conquer. As the ruled states could no longer make alliances and join forces, they became easier to control. The possible resistance of the to-be-ruled subjects was minimized by isolating them from one another. Also this article excludes the possibility of doing business with any other European colonial power, such as the French or Dutch, who also controlled territory in the region.

Article VII

> Whereas His Highness the Raja of Pahang has made known to the Governor of the Straits Settlements that it is the desire of his Chiefs and people that he should assume the title of Sultan, it is further agreed that, in consideration of the loyal friendship and constant affection His Highness has shown to the Government of Her Majesty and Empress and of the stipulations contained in this Memorandum, he and his heirs and successors lawfully succeeding according to Malay custom shall in future be acknowledged as His Highness the Sultan of Pahang and shall be so addressed. [...]

Here the agreement went so far as to grant the Islamic ruling title of Sultan to the ruler of Pahang. Usually this title was bestowed upon the ruler by a native religious or royal authority.

On December 17th, the British Agent in Pahang, Hugh Clifford, who had negotiated the treaty described above, drafted a legal code, which was to be introduced as code of law to Pahang. The code, based on the English model of legal code, had already been modified to suit local conditions and introduced in the neighboring Protected State of Johor. Apart from that, the Resident also suggested the creation of a high court to sit in Pahang's capital Pekan. The power to enforce the code was to be conferred to the local chiefs and village headmen. On January 12th 1888, the Sultan approved the drafted code of laws (Lineham 1936: 118f.).

Subsequently Clifford took over all parts of government that were necessary to run the state and to secure the flow of revenues. His actions ranged from controlling who received concessions on land (buffalo breeding, rice and sugar plantations) and mines (mostly tin, also salt) to 'requesting' the Sultan to impose quarantine regulations when the cholera raged in the neighboring state of Trengganu, which was under

the control of Siam. But the British interference did not stop at economic policy, but – as can be seen above – changed the political landscape of Pahang dramatically by reorganizing the provinces, changing their borders and turning law-enforcement over to the local chiefs and village headmen. All of the documented measures show how heavily the British interfered in the state of Pahang, not only taking over governmental business, but restructuring the state of Pahang itself – a state sovereign de jure, but not in exercise.

However, the agent was not able to bring order to the state. There were numerous cases of maladministration, injustice and corruption by the Sultan. Instances of these include: an English-Chinese businessman, who fell in disgrace with the Sultan was murdered and his property ceased illegally; the Sultan ignored rightful lines of succession and promoted people who were close to him instead; he stalled the implementation of the new law code and especially the transfer of law-enforcement-power to the chiefs and village headmen; former traditional judges (Bendaharas) were not stopped from interfering with newly appointed judges. The British agent was annoyed with the Sultan's maladministration, especially the lapses that disturbed the legal certainty of the state and therefore scared off investors. The absence of commercial development in turn was detrimental to the growth of British revenues.

In particular the murder of the important English-Chinese businessman, an English subject, caused the relationship between the Sultan and the British to deteriorate. On 24th August 1888, Sultan Ahmad, the ruler of Pahang, surrendered to the growing pressure of the British and wrote a letter to the Governor of the Straits Settlements, Sir Cecil Clementi Smith, in which he apologized for the murder of the Chinese business man, Go Hui, who was close to the agent, and requested that a British Resident be sent to his country to assist in the government of his state:

> We make known to our friend, with reference to the correspondence between ourself and our friend that we have reconsidered our friend's words, and all that our friend has written. We have also had time to consult with our relation His Highness the Sultan of Johor. Our friend will remember that we have already acknowledged our responsibility for the murder of Go Hui, a British subject. We hope that no more will be said about this matter, and that Her Majesty the Queen will be satisfied with our expression of regret for what has occurred, and with our giving a guarantee for the future, that is to say, that Her Majesty the

Queen should send us a British Officer in order that he may assist us in matters relating to the Government of our country, on a similar system to that existing in the Malay States under English protection. We now ask for such an Officer. In asking this we trust that the British Government will assure to us and our successors all our proper privileges and powers according to our system of government, and will undertake that they will not interfere with the old customs of our country which have good and proper reasons, and also with all matters relating to our religion. There is nothing more but our best respects to our friend.

That illustrates how the Residency system, conceived and developed in India, came into existence in Southeast Asia. The concept of it was transferred to the Malay states, the practice, however, turned out to be different, as will be shown in the comparison later.

Hyderabad

Hyderabad was the most important princely state in India (Leonard 2003: 364). After the Indian Rebellion of 1857, the British East India Company was abolished as ruler of British India and replaced by the British Crown in 1858. Until then the princely states still enjoyed a distinct measure of sovereignty under the regency of the Company. External affairs would be conducted by the Company. Regarding internal affairs of the state the Company limited its political influence on matters that might directly or indirectly influence their business, such as legislature on taxation, customs duty or in rare cases the composition of the cabinet. Internal affairs beyond that were not interfered with and were left under the control of the local ruling elite. That changed with the coming into power of the British Crown. From this point forward a trend towards more political influence and certain hierarchical superiority over the native princes emerged. To justify this development theoretically, the ideology of paramountcy, which had been conceived of as early as 1820, was employed (Ramusack 2004: 55). Central to it was that the native princes of India were de jure no longer equal partners of the British, but now undoubtedly hierarchically placed underneath the British Crown – that is, from 1877 onwards, the Empress of India. By choosing this title the British now overtly and officially replaced the Mughal dominion and ended the era of imperial Muslim rule in South Asia. The absolute supremacy of the former Mughal Emperor over every other

Indian regent was transferred to the British Crown in order to legitimize the subordination of the native princes under the British. What paramountcy meant exactly and what it did not mean, was never defined by the British. Thus this concept was extensively used to justify whichever measure they deemed beneficial to their interests (ibid.: 56).

The principle of British paramountcy also applied to the Nizam (ruler) of Hyderabad – from 1857 to 1869, Nizam Afzal-ud-Daula, Asaf Jah V. Because he had been the premier prince of India due to the status of Hyderabad, he was still assured a special status towards the British, which was nonetheless a subordinate one. While Hyderabad had until 1857 been the most sovereign among the princely states, the British interference in state affairs grew constantly during the following 15 years. Although the British followed a non-annexation policy after the Rebellion in 1857, their political influence over Hyderabad was increased as much as the framework of indirect rule allowed it and by 1869/1870 Hyderabad had been completely subordinated.

In analyzing which parts of native government the British did and did not dominate, contemporary political categories must be used with caution. The courtly center of power was not divided into the three governmental branches of a modern state; it did not know the separation of powers into legislative, executive and judicial branches. What could be found there was a dyadic division with the judiciary on the one hand and what we know as legislature and executive on the other hand, both embodied by the cabinet. Even though in the princely state of Hyderabad the executive and legislature partly overlapped in the cabinet, we will see that the Resident, while mainly dominating the legislature, had little success in interfering in the executive, that is the daily administration of the state and above all the law enforcing institutions. While in general the Resident's interference in state affairs grew, the judiciary was usually left untouched under the dogma of respecting native customs. The following part will illustrate how the British expanded their political power over Hyderabad and how this state thus gradually lost more of its sovereignty. I will sort the developments into the ones regarding legislature, executive and judiciary and will start with the first of the three.

The map, taken from Robinson (1989: 117), shows the South Asian subcontinent around 1900. It is clearly visible how roughly half of the British imperial dominion in India consisted of indirectly ruled native states with Hyderabad at its center.

In 1858, the Resident at that time, Davidson, asked the Nizam to change his seal by removing the pledge of allegiance to the Mughal Emperor from it. The Nizam concurred. Even though he had been loyal to the British during the Indian Rebellion in 1857 and was already de facto subordinate, the British still inclined to also make him a legal feudatory of the Queen by awarding him the status of a Knight of the Star of India. To fight his legal and especially his ritual subordination to the Queen, he tried to change the inscription on his coins by adding a symbol of the prophet Muhammad. So far Hyderabad had been the last princely state to enjoy the sovereignty of having its own coinage. But now Viceroy Canning harshly declined such a measure by bluntly expressing that "any change in the coinage designed to defy Her Majesty's supremacy

was an unfriendly act" (Ray 1988: 34).

One of the few important genuine rights the native ruling elite had left de jure, was the right of determining the Nizam's successor. However, with the growing distrust towards their Indian subjects that the Rebellion had sown among the British, they tightened their grip to not risk another uprising. To gain or maintain the support of the native states' ruling elites, the British changed the laws of succession with a so-called adoption *sanad*, so that thenceforth it would be possible for an heirless ruler to adopt a successor according to the respective Muslim or Hindu laws. In the case of Hyderabad, Viceroy Canning handed this legislation over to the Nizam before the former left office in 1862. In doing so the British made clear, that they were regulating the succession of the Nizam hereafter.

One incident gives an insightful example of governmental business that is of primary concern to the British – economic policy. In the 1860s Hyderabad's fields stayed dry due to a long drought and the situation grew precarious as the threat of people dying from hunger became serious. In order to avert a famine, the Nizam ordered to grow less cotton and grow grain instead and prohibited the export of grain so that there would be enough for the people of Hyderabad not to starve and its price would drop to make it affordable. This had heavy impact on the market for grain and cotton both in and outside Hyderabad. The grain prices on the regional markets in Bombay and Madras rose drastically and therefore disturbed the British business and jeopardized their revenues. To curb that, the Resident in Hyderabad, Yule, quickly intervened and at his urging the Nizam abolished the transit dues for grain and the ban on exporting it. Lifting the ban in turn led to much higher grain prices within Hyderabad and to suffering among its people, much to the displeasure of the Nizam and his Dewar, the head of the cabinet, Chief Minister Salar Jung I. This example perfectly illustrates the core of colonialism – "extracting economically valuable commodities from unwilling [native] producers" (Tarling 1992: 94) while depriving them of a share of the profit made of their land and work, regardless of their needs.

In the field of criminal prosecution a surprisingly fair treaty between Hyderabad and British India came to be as a result of an already on going practice. Fair, because it treated both parties equally in terms of their rights and duties towards each other. During the time before that treaty it was a common phenomenon that persons who had committed a crime under the dominion of one party fled to the territory of the

other one. So criminals would flee British prosecution by escaping to Hyderabad and vice versa. In 1862, Salar Jung requested that a murderer who had escaped to British India be surrendered to Hyderabad. The British government in Bombay requested certain evidence to proof the alleged murderer's guilt before surrendering him. That was done and the criminal was extradited to Hyderabad. This procedure served as model for the later treaty. In 1867 an extradition treaty designed under the principle of reciprocity of British India and Hyderabad was signed.

While it has been shown above that the British' power over legislative terms was extensive, their influence over the administrational part of the government or what would be the executive in modern states was much smaller. The Nizam accepted the fact that through the Resident the British in large parts dominated the law-making process of Hyderabad. They were however unable to do the same in the law-enforcement branch, as examples shall demonstrate below.

The cabinet of Hyderabad, that had been the official policy-maker in the state, consisted exclusively of native members with Salar Jung as its head. It had to 'consult' the Resident on all vital governmental business before passing a law. That means that the British, through their Resident in Hyderabad, could at all time and regarding every matter interfere in the legislation of this state. This deprivation of the sovereignty it had possessed before the British intervention could not be kept secret from its people and thus, large parts of the people – unlike their elites – cultivated a deep hatred for the British. This development culminated in an incidence in 1859, when after a durbar an Indian man tried to assassinate the Resident, Davidson, on the street by gunfire and when that failed charged on him with a drawn sword. This was part of a larger plot to attempt a coup d'etat by assassinating the Nizam and destroying the Residency. While this conspiracy itself was being taken very seriously both by the British and the native government, its existence however was no surprise to them. What sheds light on the Resident's lack of power over the police force is that after the conspirators were apprehended, the leader of the group managed to escape the custody of the police and fled. This was only made possible with help and support from within the police force, which shared sympathy for the perpetrators of the attack (Ray 1988: 37). Evidently the Resident did not have enough power over the police to prevent an assassination attempt on him during an official ceremony and to bring the key-perpetrators of this attack to justice.

Another important development within the executive branch that

the British were unable to prevent, even though it was strongly contrary to their interests, was the advancement and reform of the Hyderabad army. Chief-Minister Salar Jung was very progressive and the Temple-Jung administration (Resident Temple and native Head of Cabinet Salar Jung) gained a reputation of bringing modernization to the state. While the two men worked together very closely and with much success for instance in reforming the land revenue system, the dispensation of justice, the police, the education system, sanitation and state finances (ibid.: 54), Salar Jung also pushed reforms on his own in the military sector of his state, much to the disliking of the British (ibid.: 55). Under his aegis the Hyderabad army became more professional and more modern by being equipped and trained with up-to-date weaponry. Also their numbers were increased, their structure tightened and they thenceforth went under the name "reformed troops". It is easy to comprehend, that all this was contrary to British interests. They did not want the native states to have larger armies than was necessary to fulfill state-internal purposes. Especially since they had just experienced the colonial nightmare of an insurrection in 1857 and were afraid of a new uprising.

Apart from the potential future role of the Hyderabad army, that was already hard to reckon, renegade forces could also not be suppressed. Every nobleman in the state, including the Nizam, had his own irregular militia and their dimensions were constantly growing (ibid.) These troops posed another incalculable risk to the British and their policy of long-term stability in their colonies to allow long-term investments and thus long-term revenues. This was accompanied by a general atmosphere of distrust towards native soldiers within their own British troops. The native soldiers' loyalty was always doubted and it was feared that they might defect to the Hyderabad army in the case of an insurrection. As the cases above show, between 1857 and 1869 the British interfered strongly and constantly in the legislation of Hyderabad. They changed the Nizam's status and made him inferior to the Queen of the United Kingdom, who became the Empress of India in 1877; they interfered in the design of Hyderabad's coinage; they took control over the succession of the Nizam; they controlled the export of the state and they negotiated an extradition treaty. They were however unable to assert dominance over the law-enforcement branch of the administration – much due to the sovereignty and political skills of Hyderabad's chief-minister Salar Jung – and did not interfere in the judiciary.

On February 26th 1869, Nizam Afzal-ud-Daula died, leaving behind an only two year old son and heir, Mir Mahbub Ali Khan. The death of this stubborn ruler, who was often annoyed by the British interference and constantly wanted to curb it – usually without success – marked the end of Hyderabad's relative autonomy and allowed the British to tighten their grip around this princely state. Following the principles laid out in one of Governor-General Mayo's dispatches, Resident Saunders took over guardianship of the infant Nizam in order to westernize him and therefore ensure unfettered British paramountcy over the state, when the Nizam would grow up and take over government. While the young heir was educated in a western way, the official rulers of Hyderabad as proxies of the Nizam were two noblemen: Salar Jung and the very popular Amir-i-Kabir. At this point the British had brought Hyderabad under total paramountcy. Hereafter no measure was ever initiated without approval of the Resident; the infant Nizam – undeniably the legal heir to the throne – was only proclaimed after reference was made to the Resident. To emphasize this newly gained authority, accustomed ritual behavior was changed, so that the Nizam was given less reference by the Resident. To honor the deceased Nizam a condolence durbar was held. It was customary to take off one's shoes at a durbar and the members of the British entourage had respected this custom until then. From now on however, Resident Saunders refused to take off his shoes and the British attendees sat on chairs instead of sitting on the ground like all the members of a durbar traditionally did (ibid.: 59). This disrespect of native customs and breach of the official British policy of giving increased symbolic reverence to the native ruler and complying with native customs fortified the status of the British above the Nizam and the latter's status underneath the Resident. Thenceforth at durbars the British sat on chairs and therefore higher than all the native members present.

Comparing the two cases

The case of Hyderabad spans from 1857 to the Nizam's death in 1869 and the Pahang case covers the years 1887 and 1888. While the two cases may be 18 years apart, historically they fall in the same period of colonialism – that of the post-Mutiny era of paramountcy[3] – and thus are very well comparable. Both lie somewhat on the periphery

of the British Empire, if not geographically then politically[4], and are subject to the British non-intervention policy of that time or rather non-annexation policy.

The point of view from which both cases shall be compared is that of their degree of sovereignty or, viewed from the opposite side, the degree of British interference in the native states' governance. Simply looking at their official status and sorting them into Low's scheme of the 'colonial power-native state' relationship does not bear any insightful conclusions, because not rarely did so-called protected, native, princely or protracted states only keep the name of a sovereign state and were in fact annexed into a foreign empire. That is why, to circumvent this problem of name-fact discrepancy, a somewhat deeper analysis is necessary in order to determine a state's degree of sovereignty. To achieve that, analytically the native states' governmental business is divided into the three branches of government – executive, legislature, judiciary. As mentioned previously, this is done with great caution as these categories can only be applied provisorily to a state that is not modern and does not know the separation of powers. These categories enable the author to measure the degree of British government-interference and this way facilitate a comparison of the two cases to ultimately and ideally draw a conclusion, which state was less sovereign in the given period of time.

One point was left undescribed in the case studies above, because it can in a sense be taken for granted considering that it was always the first measure taken in any case of indirect rule and therefore a commonality also among the two cases here – the takeover of a state's foreign relations. Apart from that, the legislation of the two native states Hyderabad and Pahang bears witness to foreign intervention the most. The respective Indian and Malay rulers both were subject to a change of their status. The Nizam in Hyderabad was made subordinate to the British Queen and the ruler in Pahang was granted the title of Sultan. However, this is where the commonalities end. While in the princely state the British interfered heavily in policies of economy, the legal succession of the Nizam and arranged an extradition treaty, in the Malay state they changed the structural design of the state itself. The provinces were reorganized and their borders were changed. Lands, concessions, warrants and judicial power were taken away from the local chiefs and therefore shook up the traditional order of society. The coastal borders of the state were reduced and the law enforcement put in the local chief's hands.

These measures put the rule of the Sultan at great risk as it was uprooting all the intermediary structures he ultimately depended on.

In the executive branch, too, Pahang saw much more interference by the Resident. While the Hyderabad British agent had no influence over the police force, Hyderabad's army or the numerous militias, in Pahang the British managed to organize the local law-enforcement very well. Also they managed the resources of the state by granting livestock breeding, plantation and mining concessions usually to British, Chinese or Indian companies. While it was unnecessary to limit Hyderabad's trade to British partners only, as Hyderabad had no coastal line and was surrounded by the British sphere of influence anyway, in Pahang the state and its people were prohibited to trade with other European powers and the state's currency was limited to a volume that would not threaten the British Malayan currency as lead currency of the region.

The British dogma of leaving native customs and tradition untouched usually meant a policy of non-interference with jurisdiction. That was very much the case in Hyderabad, where no intervention in the local courts' business has been documented in the examined period of time. The opposite was the case in Pahang. Here the British shaped the judicial landscape majorly by introducing a new, Islamic penal code and installing a high court in the state's capital.

As can be seen above, the intensity of interference in the governmental business of a native state was much higher in the Malay case of Pahang than in the Indian case of Hyderabad. The Resident in Pahang ran the government almost completely by 1888. That shows that the degree of sovereignty was much lower in Southeast Asian Pahang than in South Asian Hyderabad. This result is in accordance with the research done on indirect rule in South and Southeast Asia during the colonial era.

Scholars have attempted to explain the difference of British interference between South Asia and the Malay states by analyzing the structure and stability of the respective states in order to draw conclusions as to why it was easier to gain control over one state, when it was harder in another. One argument is that Indian kingdoms were much more complex and intact upon the arrival of colonial forces. Hence they were harder to bring under control, as for instance in the case of the institution of wahils. These were emissaries that noblemen posted to each other's court. They served to hold a direct line of communication between the rulers of neighboring states. When the British started to bring these states under their control, the first thing they tried, was to control

a state's foreign relations. The Indian rulers were reluctant to that and for some time managed to circumvent the lines of foreign communication, the British had forced upon them as the only channels of political communication with foreign states, with mentioned wahils. In contrast, many of the political entities on the Malay peninsula, Sumatra, Java and Borneo were unstable. Some had experienced drastic changes in their political system, some were simply new and not yet fully established and some were victim to systematic corruption (Tarling 1992: 96). This allowed the British to take over control more easily and to interfere more deeply to the local government, transcending the boundaries of foreign intervention that were set in Indian native states.

Conclusion

In indirectly ruled territories of India the British colonial agents exerted moderate influence compared to the Malay region. Firstly, they assumed power over a state's foreign affairs. Conducting outside communication for a state and deciding whether or not a state would go to war was crucial for the colonial authority. This would keep a state from crossing the colonizer's interests in the region. Apart from this, the British allowed themselves the right to also interfere in a native state's internal affairs, when it saw maladministration or claimed to see objectionable injustice. Making sure a state was correctly administered was of utmost importance to a colonial power to ensure its revenues kept flowing and would not get lost in corrupt bureaucratic structures or vanish completely due to mismanagement of the land.

In the Malayan dependencies of the Crown, the British went much further than interfering and took over central domains of the domestic government permanently. The Resident, who was under the control of the Governor in Singapore, exercised authority over the local police, the judicial branch, and every other important part of state government (Sadka 1962). This stands in stark contrast to the case in Hyderabad, where we have seen that the Resident had no control over the police force and was in fact victim to an attempted assassination in which the police was involved. While a Resident usually, although exercising control de facto, de jure only advised the local ruler and members of cabinet, in Perak, for instance, the latter were legally bound to follow his advice without objection by Article VI of the Pangkor Engagement

of 1874. This is an exceptional characteristic of indirect rule over the Malayan native states – that the Residency system came into existence through treaties and that the native authorities were not only subordinate to the Resident politically, but also legally. Solely aspects of government that were deemed unimportant by the colonial authority, such as Malay customary and religious issues, had been left to the authority of the local government (Low 1973: 14). Unlike in the native states of India, the British took over much more of the domestic government in the Malay native states. Under their indirect rule the Malayan native states enjoyed much less or almost no sovereignty whereas the princely states of India could maintain power over certain important parts of government.

Endnotes

1 For extraterritoriality of the Residencies compare Fisher (1991:199).

2 The text of the treaty is taken from Lineham (1936:115ff.).

3 One may reasonably span this era from 1857, when the Indian Rebellion occurred to the beginning of the 20th century before the national movements, especially that of India, developed.

4 While Hyderabad obviously does not lie on the periphery of the British Empire geographically as it is surrounded by British India, the Empire‘s most precious colonial possession, both cases arguably lie on the Empire‘s periphery politically as they are only partly under British control as opposed to direct colonies of the Crown.

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